THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.17664 of 2006

Dated:09-10-2006

Between:

Ch. Subbaraju

..... PETITIONER

AND

The Additional Assistant Engineer, Operations, APEPDC Ltd., Kamavarapukota, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.17664 of 2006

ORDER:

The petitioner is statedly Managing Director of M/s Delta Ceramics Private Limited. The said company is availing power supply under category III, being S.C.No.89. It appears that the petitioner is also availing power supply to his two agricultural pumping sets, being S.C.Nos.274 and 6 under category V and also one domestic power supply, being S.C.No.461. According to the petitioner, the company addressed a letter in March, 2004 to the respondents to dismantle the power supply to it and allegedly the respondents did not give any response. Be that as it is, respondent No.1 issued a notice to the petitioner on 07-07-2006 informing that his domestic service connection, being S.C.No.461/I situated at Veerisettigudem and other agricultural connections would be disconnected if he fails to pay arrears towards industrial connection. Aggrieved by the same, present writ petition is filed.

The learned counsel for the petitioner mainly contends that there is no such power vested with the respondents to disconnect power supply to agricultural or domestic connections when there is default in payment of consumption charges in respect of industrial connection. This legal position is not denied by the learned standing counsel, who, however, submits that when the respondents made attempts to disconnect power supply to the company as requested by it, the petitioner did not cooperate and therefore, the impugned notice was issued. As the respondents did not have any power to disconnect power supply to domestic or agricultural connections for default in payment of consumption charges towards industrial connection, the impugned notice cannot be sustained. However, it shall be open to the respondents to immediately disconnect power supply to the company, if necessary, by using force.

The impugned notice dated 07-07-2006 is set aside and the writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

9th October, 2006
ghn